



Federal Communications Commission  
Office of the Secretary  
445 – 12<sup>th</sup> Street, SW  
Washington, DC 20554

March 19, 2004

To Whom It May Concern:

This letter is a formal indication of our **Request for Review** to the decision by the Schools and Libraries Division of USAC dated January 22, 2004 to deny our appeal to them originally submitted on September 15, 2003.

The appeal was filed after receiving an “Adjusted Funding Commitment” for FRN #: 778618 and 778692 received on September 15, 2003. The indicated reason is “120-Day 486 Deadline”. If this **Request for Review** is also not successful, then I respectfully **Request a Waiver** to the filing deadline given the circumstances of this case.

Docket No. 02-6  
Carroll County School District  
Billed Entity: 126369  
Year 2002  
Funding Request Numbers: 778618, 778692  
471 Application #: 302819

This request is based on the fact that the missed deadline was due to an error on the part of the Universal Service Administration Company Schools and Libraries Division, not Carroll County Public Schools.

- The original Form 486 was submitted prior to the deadline and was apparently misplaced at the receiving facility of SLD.
- When I first contacted Cathy (last name unknown) at SLD on August 18, 2003 upon learning of the Adjusted Funding Commitment, I was told that there was no “evidence” that the 486 had been received. I indicated that the 2002 Form 486 was submitted in the same package as the 2003 Form 472. She told me that this was acceptable.
- I re-submitted a copy of the original 486 from July 2002 as well as the “Postal Return Receipt” for review. However, Cathy at SLD advised me to submit a new Form 486 so that I could receive partial payment while the original case was under appeal. She informed me that it could be a lengthy process. Following this instruction resulted in the new Form 486 being submitted after the deadline.
- The SLD’s decision of January 22, 2004, stated that I “failed to provide persuasive evidence demonstrating that a Form 486 was filed on 7/24/2002, or that it was received by SLD prior to the 120-day deadline” and it is the applicants’ responsibility to ensure that all Forms were submitted in a timely and correct manner. I disagree and have provided evidence (original copies including the postal receipt) to the contrary. The only possibility is that there was a failure to accurately record the submission by SLD at the time of receipt.
- SLD also states that “since Form 486 application number 231313 for this FRN was submitted postmarked on 8/19/2003, SLD used this Form 486 for the basis of the decision concerning the 120-Day 486 deadline.” I respectfully point out that this form was submitted at SLD’s (Cathy) direction. I specifically asked her if it would have any negative impact on the appeal and she indicated “no”. I have notes from my telephone conversation and she specifically instructed me to do this.

- The letter states that “The SLD does not have the authority to waive the Form 486 filing deadline, consequently your appeal is denied.” I believe this logic is incorrect and somewhat circular. I was not appealing a waiver of the deadline initially. The matter being appealed was SLD’s contention that the form was not submitted. While they maintain that I have not provided evidence that it was submitted, they base the denial of the appeal on the inability to extend the deadline due to a late submission. Again, a second form was submitted only at the direction of SLD.

I will be happy to submit the following to you for your review:

- Copy of the original Postage Receipt
- Original Form 486 that was submitted prior to the deadline
- A sworn affidavit indicating that the original Form 486 was in the envelope when it left the premises
- Notes from telephone conversations
- All correspondence between CCPS and SLD since the original 470 Application for 2002, including a copy of the Funding Commitment Decision Letter
- Any related correspondence (including emails) between parties involved in this case that may provide additional insight

In summary, I am **Requesting Review** by the FCC of SLD’s original denial of appeal. If this Request does not result in an over-turning of the appeal decision, then I immediately **Request A Waiver** to the deadline. The facts demonstrate two errors on the part of SLD: the original form 486 was submitted prior to the deadline and seems to have been lost by SLD; it was the SLD that instructed me to file a new Form 486 after the deadline. This is a very frustrating situation given our history of honest and correct use of the E-Rate Program and our reliance on the funding. We respectfully request the full Funding Commitment as outlined in the Funding Commitment Decision Letter of April 24, 2002 to be re-instated immediately: FRN #: 778618 of \$192,000 and FRN #: 778692 of \$12,000. The difference of \$153,000 will be devastating to this system’s budget.

Sincerely,



Gary R. Davis  
Chief Information Officer  
Carroll County Public Schools  
[GRDavis@k12.carr.org](mailto:GRDavis@k12.carr.org)  
410-751-3500